

In the Matter Of:
KULAKOWSKI vs WESTROCK SERVICES

LARRY EDEN

November 09, 2017



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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

MICHAEL KULAKOWSKI,)	
)	
Plaintiff,)	
)	
vs.)	CASE NO.
)	3:16-CV-02510
)	
WESTROCK SERVICES, INC.,)	
)	
Defendant.)	

DEPOSITION OF

LARRY LLOYD EDEN

Taken on Behalf of the Defendant

November 9, 2017

Commencing at 1:05 p.m.

Reported by: Jerri L. Porter, RPR, CRR
Tennessee LCR No. 335
Expires: 6/30/2018

<p>1 APPEARANCES: Page 2</p> <p>2 For the Plaintiff:</p> <p>3 HEATHER MOORE COLLINS</p> <p>4 Collins & Hunter</p> <p>5 7000 Executive Center Drive</p> <p>6 Building 2, Suite 320</p> <p>7 Brentwood, Tennessee 37027</p> <p>8 (615) 724-1996</p> <p>9 heather@collinshunter.com</p> <p>10</p> <p>11 For the Defendant:</p> <p>12</p> <p>13 MARY DOHNER SMITH</p> <p>14 Constangy, Brooks, Smith & Prophete</p> <p>15 1010 SunTrust Plaza</p> <p>16 401 Commerce Street</p> <p>17 Nashville, Tennessee 37219</p> <p>18 (615) 320-5200</p> <p>19 mdohner@constangy.com</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 The deposition of LARRY LLOYD EDEN was Page 4</p> <p>2 taken on behalf of the Defendant on November 9,</p> <p>3 2017, in the offices of Bone, McAllester & Norton,</p> <p>4 131 Saundersville Road, Suite 130, Hendersonville,</p> <p>5 Tennessee, for all purposes under the Federal Rules</p> <p>6 of Civil Procedure.</p> <p>7 The formalities as to notice, caption,</p> <p>8 certificate, et cetera, are waived. All objections,</p> <p>9 except as to the form of the questions, are reserved</p> <p>10 to the hearing.</p> <p>11 It is agreed that Jerri L. Porter,</p> <p>12 being a Notary Public and Court Reporter for the</p> <p>13 State of Tennessee, may swear the witness, and that</p> <p>14 the reading and signing of the completed deposition</p> <p>15 by the witness are reserved.</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21 * * *</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p>1 I N D E X Page 3</p> <p>2 INDEX OF EXAMINATIONS</p> <p>3 Page</p> <p>4 Examination By Ms. Collins5</p> <p>5 Examination By Ms. Dohner Smith50</p> <p>6 Examination By Ms. Collins53</p> <p>7</p> <p>8</p> <p>9 PREVIOUSLY MARKED EXHIBITS</p> <p>10 PRESENTED TO WITNESS</p> <p>11 Exhibit Description Page</p> <p>12 No. 4 2011 RockTenn Employee Handbook47</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 LARRY LLOYD EDEN Page 5</p> <p>2 was called as a witness, and after having been first</p> <p>3 duly sworn, testified as follows:</p> <p>4 E X A M I N A T I O N</p> <p>5 BY MS. COLLINS:</p> <p>6 Q Good morning.</p> <p>7 A Good morning.</p> <p>8 Q Could you state your complete name off the</p> <p>9 record.</p> <p>10 A Larry Lloyd Eden.</p> <p>11 Q Okay. So it's Eden, not Edens?</p> <p>12 A E-d-e-n, Eden.</p> <p>13 Q Mr. Eden, what is your address?</p> <p>14 A 1725 -- my home address, 1725 Crenshaw Lane.</p> <p>15 Q What city?</p> <p>16 A Hartsville, Tennessee.</p> <p>17 Q And what's the zip code?</p> <p>18 A 37074.</p> <p>19 Q What is your phone number?</p> <p>20 A (615)202-0437.</p> <p>21 Q Okay. Does anyone over the age of 18 live</p> <p>22 with you at that address?</p> <p>23 A No.</p> <p>24 Q Okay.</p> <p>25 A But my wife.</p>

<p style="text-align: right;">Page 6</p> <p>1 Q Oh, okay. What's her first name?</p> <p>2 A Debbie.</p> <p>3 Q Is her last name Eden as well?</p> <p>4 A Eden.</p> <p>5 Q And the spelling of her name is --</p> <p>6 A D-e-b-b-i-e.</p> <p>7 Q Okay. Mr. Eden, where do you currently</p> <p>8 work?</p> <p>9 A With WestRock.</p> <p>10 Q Okay.</p> <p>11 A In Gallatin.</p> <p>12 Q How long have you been with WestRock in</p> <p>13 Gallatin?</p> <p>14 A Forty-three years, I believe.</p> <p>15 Q What is your current job title?</p> <p>16 A Shipping manager.</p> <p>17 Q How long have you been in that job/role?</p> <p>18 A Since June of this year.</p> <p>19 Q What was your job title before that?</p> <p>20 A Plant manager.</p> <p>21 Q Is shipping manager a demotion?</p> <p>22 A No.</p> <p>23 Q Okay. Why are you now shipping manager and</p> <p>24 not plant manager?</p> <p>25 A They decided they didn't need two plant</p>	<p style="text-align: right;">Page 8</p> <p>1 A He was customer service manager.</p> <p>2 Q Okay. What plant do you primarily work at?</p> <p>3 A 1211 Hartsville Pike.</p> <p>4 Q Is that the fulfillment center?</p> <p>5 A No. That's the main plant.</p> <p>6 Q Have you always been at the main plant?</p> <p>7 A Yes, ma'am.</p> <p>8 Q As I understand it, the main plant is about</p> <p>9 six miles away from the fulfillment center.</p> <p>10 A Yes, ma'am.</p> <p>11 Q When you were plant manager -- well, how</p> <p>12 long were you plant manager?</p> <p>13 A I think around 10, 12 years.</p> <p>14 Q And was that at the main plant?</p> <p>15 A Yes.</p> <p>16 Q Okay. But did you still have</p> <p>17 responsibilities over the fulfillment center?</p> <p>18 A Not at the beginning. Later on, yes.</p> <p>19 Q Who hired you as plant manager?</p> <p>20 A Actually, Tommy Whited.</p> <p>21 Q Did you start off as plant manager?</p> <p>22 A No, ma'am.</p> <p>23 Q Okay. What did you start off as?</p> <p>24 A Just a machine operator in the plant.</p> <p>25 Q Okay. When did you -- what were you after</p>
<p style="text-align: right;">Page 7</p> <p>1 managers.</p> <p>2 Q Who is the other plant manager?</p> <p>3 A Keith Hall.</p> <p>4 Q Did you receive a reduction in pay?</p> <p>5 A Yes, ma'am.</p> <p>6 Q How much was your pay reduced when you went</p> <p>7 from plant manager to shipping manager?</p> <p>8 A Twenty percent.</p> <p>9 Q Is Keith Hall still the plant manager?</p> <p>10 A Yes, ma'am.</p> <p>11 Q How long has he been the plant manager?</p> <p>12 A Since November or December of this past</p> <p>13 year.</p> <p>14 Q Of 2016?</p> <p>15 A Yes.</p> <p>16 Q Who was the plant manager before that?</p> <p>17 Before he was the plant manager in November or</p> <p>18 December of 2016, was it just you?</p> <p>19 A Yes, ma'am.</p> <p>20 Q So when he became plant manager in</p> <p>21 November/December of 2016, both of you were plant</p> <p>22 managers?</p> <p>23 A Yes.</p> <p>24 Q And then before he was plant manager, what</p> <p>25 was his job title?</p>	<p style="text-align: right;">Page 9</p> <p>1 machine operator?</p> <p>2 A After machine operator, I went to shipping.</p> <p>3 Q Then what?</p> <p>4 A And then from shipping, I went into</p> <p>5 scheduling, ordering material.</p> <p>6 Q Then what?</p> <p>7 A And then from that, I moved to plant</p> <p>8 manager.</p> <p>9 Q Do you recall about what year you became</p> <p>10 plant manager?</p> <p>11 A No, ma'am. It's, I think, around 10 years,</p> <p>12 10, 12 years.</p> <p>13 Q Now, when Tommy Whited hired you initially</p> <p>14 as a machine operator --</p> <p>15 A Initially, a guy named Roger Acuff, which is</p> <p>16 back 40 years ago.</p> <p>17 Q Okay. But Mr. Whited was the one who hired</p> <p>18 you as plant manager?</p> <p>19 A Yes.</p> <p>20 Q What plant did he primarily work at when he</p> <p>21 was --</p> <p>22 A The 1211 Hartsville Pike.</p> <p>23 Q The main?</p> <p>24 A Main plant.</p> <p>25 Q What was his job title?</p>

<p style="text-align: right;">Page 10</p> <p>1 A General manager.</p> <p>2 Q He was general manager over both the main</p> <p>3 plant and the fulfillment center?</p> <p>4 A Yes, ma'am.</p> <p>5 Q And the same with you, when you were plant</p> <p>6 manager, you were plant manager over both the main</p> <p>7 plant and the fulfillment center, right?</p> <p>8 A Not at the beginning. Last two or</p> <p>9 three years is when I guess he made me responsible</p> <p>10 for both.</p> <p>11 Q In 2014, were you responsible for both?</p> <p>12 A It was probably '15 when I found out that I</p> <p>13 had responsibility.</p> <p>14 Q Okay. Before that, would you be required to</p> <p>15 go to the fulfillment center if Mr. Whited needed</p> <p>16 you to or requested you come down there?</p> <p>17 A Yes.</p> <p>18 Q Okay. Who is your current supervisor? I'm</p> <p>19 not sure if I asked you that.</p> <p>20 A My current supervisor now is Keith Hall.</p> <p>21 Q Okay. Do you supervise anyone right now?</p> <p>22 A Yes, ma'am. Forklift drivers.</p> <p>23 Q Are you hourly or salary?</p> <p>24 A Salary.</p> <p>25 Q When you were plant manager, what were your</p>	<p style="text-align: right;">Page 12</p> <p>1 A Well, I know he got fired. I don't know the</p> <p>2 full what happened.</p> <p>3 Q What did you hear?</p> <p>4 A Well, I mean, the -- Tommy's boss just come</p> <p>5 in and told us he's no longer with us, and he didn't</p> <p>6 go into any of the details about why.</p> <p>7 Q Who is his boss?</p> <p>8 A Tom Pedine.</p> <p>9 Q Have you talked to Tommy Whited since he was</p> <p>10 let go?</p> <p>11 A I've seen him just by passing.</p> <p>12 Q Have you ever bought any cars or appliances</p> <p>13 or anything from him?</p> <p>14 A No.</p> <p>15 Q When Tommy Whited was the general manager --</p> <p>16 right? That's what his -- that was his job title?</p> <p>17 A (Witness moves head up and down.)</p> <p>18 Q -- did he have a bad temper?</p> <p>19 A After he told you two or three times, he</p> <p>20 would get upset, yes.</p> <p>21 Q What do you mean, he would get upset? How</p> <p>22 would he behave?</p> <p>23 A I mean, he'd just raise his voice at you.</p> <p>24 Q Would he cuss at employees?</p> <p>25 A Oh, no.</p>
<p style="text-align: right;">Page 11</p> <p>1 job duties?</p> <p>2 A My job duties was to make -- for the plant</p> <p>3 to be successful. And first and foremost was the</p> <p>4 safety of our people.</p> <p>5 Q Anything else?</p> <p>6 A Like I said, the responsibility was to get</p> <p>7 our deliveries to our customers on time.</p> <p>8 Q Okay. Anything else you can think of?</p> <p>9 A Not that I can think of.</p> <p>10 Q Did you have the ability to hire or fire</p> <p>11 employees?</p> <p>12 A Not without my general manager's approval.</p> <p>13 Q And that was Tommy Whited?</p> <p>14 A (Witness moves head up and down.)</p> <p>15 COURT REPORTER: Excuse me? Please</p> <p>16 answer out loud.</p> <p>17 THE WITNESS: Not without general --</p> <p>18 prior approval from Tommy.</p> <p>19 BY MS. COLLINS:</p> <p>20 Q And I'll just remind you, just be sure to</p> <p>21 verbalize your response.</p> <p>22 A It just dawned on me. I'm sorry.</p> <p>23 Q It's okay. It's natural.</p> <p>24 Now, do you know what happened to Tommy</p> <p>25 Whited?</p>	<p style="text-align: right;">Page 13</p> <p>1 Q You didn't witness any of that?</p> <p>2 A No, ma'am.</p> <p>3 Q Had people complained to you about him</p> <p>4 cussing at them?</p> <p>5 A Cussing them, no.</p> <p>6 Q What about cussing in general?</p> <p>7 A Not that I'm aware of, no.</p> <p>8 Q Did you have any employees complain to you</p> <p>9 just in general about Tommy Whited and how he</p> <p>10 treated them?</p> <p>11 A Well, no, not complain. They would, you</p> <p>12 know, may say something about -- about him getting</p> <p>13 on to them or something.</p> <p>14 Q Did you have any employees come to you and</p> <p>15 talk about how he was abusive towards them?</p> <p>16 A Abusive?</p> <p>17 Q Yes.</p> <p>18 A Not in a meaningful way.</p> <p>19 Q What do you mean by that?</p> <p>20 A Well, I mean, Tommy always joked and cut up</p> <p>21 with people as people joked and cut up with him.</p> <p>22 Q What do you mean by that?</p> <p>23 A Well, I mean, you know, they'd walk and talk</p> <p>24 to one another, and they'd make a joke, you know,</p> <p>25 things of that nature. But I've never seen him</p>

<p style="text-align: right;">Page 14</p> <p>1 physically abuse anybody.</p> <p>2 Q Had an employee come to you and told you</p> <p>3 that he had touched them or hit them or kicked them?</p> <p>4 A Yes.</p> <p>5 Q Tell me about that.</p> <p>6 A Well, it was Kulakowski. He said that he</p> <p>7 had kicked him, knocked his hat off.</p> <p>8 Q Anything else?</p> <p>9 A No.</p> <p>10 Q Tell me about the kicking. What did he talk</p> <p>11 about the kicking?</p> <p>12 A He just told me that, you know, Tommy had</p> <p>13 kicked him. But like I said, they joked and cut up</p> <p>14 all the time, so I didn't think it was a --</p> <p>15 Q How did you know they joked and cut up all</p> <p>16 the time?</p> <p>17 A Because they laughed at one another.</p> <p>18 Q Okay. When Michael Kulakowski told you that</p> <p>19 Tommy Whited had kicked him, did he say where he had</p> <p>20 been kicked?</p> <p>21 A In the groin.</p> <p>22 Q Do you recall when this was?</p> <p>23 A Maybe -- I don't. I'm going to say a year</p> <p>24 and a half ago or something, two years.</p> <p>25 Q Did he tell you that on more than one</p>	<p style="text-align: right;">Page 16</p> <p>1 Q Sure. If Michael Kulakowski recalls you</p> <p>2 telling him that, that you had told him that that's</p> <p>3 how it was going to be if he worked out there, that</p> <p>4 Tommy Whited was going to do those things to him,</p> <p>5 would you have a basis to dispute Michael</p> <p>6 Kulakowski's recollection?</p> <p>7 A Not other than my word against his.</p> <p>8 Q Now, when he told you that he had been</p> <p>9 kicked in the groin by the general manager of the</p> <p>10 plant, Tommy Whited, did you report it to HR?</p> <p>11 A No, ma'am.</p> <p>12 Q Why not?</p> <p>13 A Because, like I said, they joked and cut up</p> <p>14 all the time.</p> <p>15 Q Did Michael Kulakowski tell you that it was</p> <p>16 a joke when Tommy Whited had kicked him in the</p> <p>17 groin?</p> <p>18 A No, he didn't say it was a joke.</p> <p>19 Q And you didn't personally witness it to see</p> <p>20 that it was a joke, did you?</p> <p>21 A No.</p> <p>22 Q Did he say that it -- did Michael Kulakowski</p> <p>23 tell you that it hurt?</p> <p>24 A Yes, I'm sure he did.</p> <p>25 Q And I guess that would be typical as a man,</p>
<p style="text-align: right;">Page 15</p> <p>1 occasion?</p> <p>2 A Not that I can recall, no.</p> <p>3 Q You just don't know if he told you that on</p> <p>4 more than one occasion or you're certain that he</p> <p>5 didn't tell you on more than one occasion?</p> <p>6 A No. I just don't know.</p> <p>7 Q Okay. When he told you that, did you</p> <p>8 document it in any way?</p> <p>9 A No, ma'am.</p> <p>10 Q Did you go talk to Tommy Whited about it?</p> <p>11 A No, ma'am.</p> <p>12 Q What did you say to Michael Kulakowski when</p> <p>13 he told you that?</p> <p>14 A I didn't -- I didn't say anything.</p> <p>15 Q Did you say anything to the effect of that's</p> <p>16 just how it's going to be when you work here, he's</p> <p>17 going to do that to you?</p> <p>18 A No.</p> <p>19 Q Anything like that?</p> <p>20 A No, ma'am.</p> <p>21 Q So if Michael Kulakowski recalls you telling</p> <p>22 him that, would you have a basis to dispute his</p> <p>23 recollection that you had told him that?</p> <p>24 A Can you repeat that? I didn't quite</p> <p>25 understand what you just said.</p>	<p style="text-align: right;">Page 17</p> <p>1 if you get kicked in the groin, it's going to hurt,</p> <p>2 right?</p> <p>3 A Yes.</p> <p>4 Q Would you consider it to be a joke if you</p> <p>5 got kicked in the groin?</p> <p>6 A No.</p> <p>7 Q Are you familiar with WestRock's policies?</p> <p>8 A I'm familiar with it some, yes.</p> <p>9 Q Did you know that under WestRock's policies</p> <p>10 that you should have reported if another employee</p> <p>11 reported an assault in the workplace?</p> <p>12 A If he was serious about it, yes.</p> <p>13 Q You just didn't think that Michael</p> <p>14 Kulakowski was serious when he told you he got</p> <p>15 kicked in the groin and hurt, did you?</p> <p>16 A No.</p> <p>17 Q Why not?</p> <p>18 A Because like I said, they joked and cut up</p> <p>19 all the time. And I've seen them, you know, laugh</p> <p>20 and joke together, and so I just didn't take it</p> <p>21 serious.</p> <p>22 Q Do you wish you would have taken it</p> <p>23 seriously?</p> <p>24 MS. DOHNER SMITH: Objection.</p> <p>25 THE WITNESS: Yes, now.</p>

<p style="text-align: right;">Page 18</p> <p>1 BY MS. COLLINS: 2 Q Do you think you were complying with 3 WestRock policy when you didn't report that to HR? 4 A Like I said, I thought I was -- you know, I 5 didn't -- if I thought Kuli was in any kind of 6 danger, I would have reported it. But I just 7 thought it was just a -- they was kidding around all 8 the time, playing with one another all the time. 9 Q What do you base that on? 10 A Based it on what I -- you know, I had seen 11 Tommy, you know, slap his hat off and Kuli would 12 laugh, you know, that kind of stuff. 13 Q Other than slapping his hat off and kicking 14 him in the groin, did you see anything else? 15 A No, ma'am. 16 Q Did Michael Kulakowski tell you that Tommy 17 Whited had pulled out his penis? 18 A No, ma'am. 19 Q Did Michael Kulakowski report anything to 20 you about Tommy Whited grabbing him in the groin? 21 A I don't recall that, no, ma'am. 22 Q Did Michael Kulakowski complain to you about 23 Tommy Whited hitting him? 24 A Hitting him? 25 Q Yes.</p>	<p style="text-align: right;">Page 20</p> <p>1 Whited? 2 A No, ma'am. 3 Q Did you ever contact anyone in human 4 resources about Tommy Whited or his behavior? 5 A No. 6 Q Why not? 7 A Obviously, a lot of his behaviors I didn't 8 know. 9 Q Were you -- when you were plant manager at 10 the fulfillment center, were you considered like 11 second in command? 12 A Yes. 13 Q Being second in command, could employees 14 report problems to you? 15 A Yes. 16 Q And did you have a responsibility to address 17 those problems? 18 A Yes. 19 Q Who was the HR person that was over the 20 fulfillment center or the Gallatin plant? 21 A Her name is Terri Henley, but she's not on 22 site. 23 Q How long has she been the HR person for 24 those two facilities? 25 A Maybe three or four years.</p>
<p style="text-align: right;">Page 19</p> <p>1 A He told me about it. 2 Q What did he tell you? 3 A Just told me that, you know, Tommy had 4 slapped his hat off, and of course I had seen it. 5 Q Well, what else did he tell you about him 6 slapping his hat off? 7 A Nothing. 8 Q If he was telling you about it, did -- was 9 he complaining about it? Did he seem like he wanted 10 to have his hat slapped off? 11 MS. DOHNER SMITH: Objection. 12 THE WITNESS: I don't know. But again, 13 I didn't think he was complaining about it. I 14 thought he was just, you know, telling me about it. 15 BY MS. COLLINS: 16 Q What kind of hat was it? 17 A I'm sure it was a Tennessee hat. He wears 18 Tennessee most of the time. 19 Q Would you want to have your hat slapped off 20 of you in the workplace? 21 A No. 22 Q If the general manager were treating you 23 like that, what would you do? 24 A I would call the hotline. 25 Q Did you ever call the hotline on Tommy</p>	<p style="text-align: right;">Page 21</p> <p>1 Q Who was it before that? 2 A I don't know. 3 Q Has -- what about Helen? 4 A She is our administrative assistant. 5 Q Did she handle HR functions? 6 A She -- if somebody needed something from HR, 7 she would get them numbers and that kind of stuff 8 for them to call. 9 Q Are you still in touch with her? 10 A No, ma'am. 11 Q How often would you see Terri Henley out at 12 the plant? And I'm talking about just the 2015 or 13 2016 time frame. 14 A Maybe once or twice a year. 15 Q Would you see any other HR people out at the 16 plant? 17 A No, ma'am. 18 Q Was there a separate management handbook 19 that y'all had that told you how to deal with 20 complaints of harassment? 21 A There was just the handbook. 22 Q Okay. Now, when Michael Kulakowski told you 23 that he had been kicked in the groin and had his hat 24 slapped off his head, did you report that to 25 divisional HR?</p>

<p style="text-align: right;">Page 22</p> <p>1 A No, ma'am.</p> <p>2 Q Do you know who divisional HR is?</p> <p>3 A No, ma'am.</p> <p>4 Q Have you ever had an occasion to report</p> <p>5 anything to divisional HR?</p> <p>6 A She's not there any longer, but the one --</p> <p>7 the last one I know, her name was -- she's no longer</p> <p>8 with the company neither. I'll try to think of her</p> <p>9 name.</p> <p>10 Q Sure, sure. But you hadn't reported</p> <p>11 anything to divisional HR, had you?</p> <p>12 A No, ma'am.</p> <p>13 Q And the person who you can't remember her</p> <p>14 name, did you know that they were divisional HR back</p> <p>15 in 2015 or 2016?</p> <p>16 A Yes.</p> <p>17 Q How did you know that?</p> <p>18 A Just -- well, just by going to some of the</p> <p>19 meetings I have to go to. I met a few people, and</p> <p>20 she was one of them.</p> <p>21 Q Okay. Was it Melissa McGraw?</p> <p>22 A Yes. Melinda.</p> <p>23 Q Melinda?</p> <p>24 A Melinda McGraw.</p> <p>25 Q And you said she's no longer there?</p>	<p style="text-align: right;">Page 24</p> <p>1 Tommy Whited had asked him to suck his penis?</p> <p>2 A No.</p> <p>3 Q Or his dick?</p> <p>4 A No, absolutely.</p> <p>5 Q Had Michael Kulakowski told you that he had</p> <p>6 been slapped in the groin area numerous times by</p> <p>7 Mr. Whited?</p> <p>8 A As what, ma'am?</p> <p>9 Q Been slapped in the balls, the groin area,</p> <p>10 by Mr. Whited.</p> <p>11 A Yes.</p> <p>12 Q Okay. Tell me about that.</p> <p>13 A Well, he just said, you know, he'd come by</p> <p>14 and walk up beside of him, look at his shoulders or</p> <p>15 something or other, and take his hand and do that</p> <p>16 (indicating).</p> <p>17 Q So Michael Kulakowski told you that</p> <p>18 Mr. Whited would come up and hit him in his groin?</p> <p>19 A Yeah.</p> <p>20 Q When he told you that, did you report that</p> <p>21 to divisional HR?</p> <p>22 A No.</p> <p>23 Q Did you report it to anyone in human</p> <p>24 resources?</p> <p>25 A No.</p>
<p style="text-align: right;">Page 23</p> <p>1 A Right.</p> <p>2 Q Had any female employees complained to you</p> <p>3 about Tommy Whited hitting them in the groin or</p> <p>4 private parts?</p> <p>5 A No, ma'am.</p> <p>6 Q Would Tommy Whited get angry and call you to</p> <p>7 come over to the plant, the fulfillment center?</p> <p>8 A Yes.</p> <p>9 Q Tell me about that.</p> <p>10 A Well -- why did he want me to come over?</p> <p>11 Q Yes.</p> <p>12 A Because the warehouse was in a mess or</p> <p>13 something of that nature.</p> <p>14 Q Would he scream and yell at people?</p> <p>15 A Never seem him scream and yell, no.</p> <p>16 Q Would he cuss?</p> <p>17 A Talk loud, yes.</p> <p>18 Q Okay. So he would talk loudly. Would he</p> <p>19 cuss at people?</p> <p>20 A Cuss people, no.</p> <p>21 Q At any point in time, did you tell -- did</p> <p>22 you see Michael Kulakowski tell Mr. Whited to stop</p> <p>23 messing with him?</p> <p>24 A No.</p> <p>25 Q Did Michael Kulakowski ever tell you that</p>	<p style="text-align: right;">Page 25</p> <p>1 Q Did Michael Kulakowski ever tell you</p> <p>2 anything about being hit so hard he got bruised?</p> <p>3 A No.</p> <p>4 Q Did Michael Kulakowski ever tell you</p> <p>5 anything about Tommy Whited running him down with</p> <p>6 his truck?</p> <p>7 A No.</p> <p>8 Q Now, other than -- when Michael Kulakowski</p> <p>9 told you about the time that he was slapped in the</p> <p>10 groin by Tommy Whited and when he was kicked in the</p> <p>11 groin by Tommy Whited, you didn't report any of</p> <p>12 those to divisional HR, right?</p> <p>13 A No.</p> <p>14 Q Okay.</p> <p>15 A Like I said, they was always kidding around</p> <p>16 with one another.</p> <p>17 Q And that's your impression, right?</p> <p>18 A Yes, ma'am.</p> <p>19 Q But you didn't actually witness it, right?</p> <p>20 A No. I witnessed, yes, one time that they</p> <p>21 did, and they were both laughing.</p> <p>22 Q When was that?</p> <p>23 A I would say it was within the last couple of</p> <p>24 years.</p> <p>25 Q What did you witness?</p>

<p style="text-align: right;">Page 26</p> <p>1 A Well, him doing just like I was talking 2 about, walking up to him and doing this 3 (indicating). 4 Q Tommy Whited hitting Mr. Kulakowski -- 5 A Yes. 6 Q -- in his groin? 7 Did Mr. Kulakowski tell you that he was 8 scared to lose his job? 9 A No. 10 Q So, the time that you saw Mr. Whited 11 actually hit Mr. Kulakowski in the groin, you just 12 didn't do anything about that? 13 A No. Because, again, I thought they was just 14 fooling around. That's what they had been doing. 15 Q Did you ask Mr. Kulakowski separately if 16 that was okay with him to be hit -- 17 A No, I didn't. 18 Q -- in the groin by the general manager? 19 A No, ma'am. 20 Q I think you said you wouldn't think that was 21 okay to have the general manager walk by and hit you 22 in the groin, right? 23 A No. 24 Q And Tommy Whited never kicked you or touched 25 you in the groin area?</p>	<p style="text-align: right;">Page 28</p> <p>1 A No, ma'am. 2 Q Now, do you recall when management came in 3 and investigated Tommy Whited? 4 A I do. 5 Q Okay. What do you recall about that? 6 A Not a lot. They came and talked to a lot of 7 people, and I'm not sure who all they talked to. 8 Q Okay. What did you talk with them about? 9 A I can't recall all the questions that they 10 asked. 11 Q Did they ask you specifically if -- about 12 Michael Kulakowski? 13 A I think there was a couple of questions 14 about Kulakowski, but I don't remember what they 15 were. 16 Q Did you tell them at that time that Michael 17 Kulakowski had complained to you about Mr. Whited 18 hitting him in the groin and kicking him in the 19 groin? 20 MS. DOHNER SMITH: Objection. 21 THE WITNESS: No. 22 BY MS. COLLINS: 23 Q Why not? 24 A Because I only answered the questions that 25 they asked me, and I didn't -- I didn't know what</p>
<p style="text-align: right;">Page 27</p> <p>1 A No. 2 Q Any other part of your body? 3 A No. 4 Q Now, other than the two things -- the things 5 that we've discussed, the hitting in the groin, the 6 kicking in the groin, and the knocking the hat off, 7 did Michael Kulakowski complain to you about -- or 8 come to you and tell you about Mr. Whited touching 9 him in any other way? 10 A No, ma'am. 11 Q How many times did he tell you that he was 12 hit in the groin, Mr. Kulakowski tell you he was hit 13 in the groin? 14 A I think once, twice. 15 Q How many times did he tell you he was kicked 16 in the groin? 17 A That's what you just asked, wasn't it? 18 Q Hit. I just said hit. 19 A Both. It was the same thing. Once or 20 twice, because I didn't... 21 Q Did he ever tell you about being hit with a 22 broom handle? 23 A No, ma'am. 24 Q Or being hit so hard that he fell to the 25 ground and lost his breath?</p>	<p style="text-align: right;">Page 29</p> <p>1 they were doing. 2 Q Were you fearful for your job? 3 A Excuse me? 4 Q Were you fearful for your job? 5 A Maybe yes. Some ways, yes. 6 Q Are you fearful for your job today, 7 providing testimony? 8 A Yes. I'm still fearful for my job, yes. 9 Q Are you worried that you're going to lose 10 your job because you talk about what Tommy Whited 11 did to Mr. Kulakowski? 12 A Not so much that, because I don't -- you 13 know, I feel like -- you know, if I thought he was 14 in any kind of danger, I would have reported it. 15 Just goes back to the demotion. So I'm not sure. 16 Q Do you think you were demoted in retaliation 17 for talking to the investigators? 18 A No. 19 Q Why do you think you were demoted? 20 A Well, they just said they didn't need two 21 plant managers. 22 Q Why do you think you were demoted? 23 A I think they liked the other guy better. 24 Q Is he younger? 25 MS. DOHNER SMITH: Objection.</p>

Page 30	Page 32
<p>1 THE WITNESS: Yes, he is younger. 2 BY MS. COLLINS: 3 Q Do you think that has anything to do with 4 it? 5 MS. DOHNER SMITH: Objection. 6 THE WITNESS: No. 7 BY MS. COLLINS: 8 Q Why do you think they like him better? 9 A Because I think he's -- I think he's just 10 got more education. 11 Q Do you recall talking with Tom Pedine about 12 the -- when they came in and investigated? 13 A No. 14 Q Okay. Do you know who I'm talking about? I 15 may be pronouncing -- 16 A Tom Pedine. 17 Q Pedine, okay. But you didn't talk with him? 18 A Before, no. 19 Q Okay. Have you talked with him since then? 20 A I talked to him the day they got -- they 21 removed Tommy. 22 Q Okay. When they started the investigation, 23 did Tommy call you worked up about it? 24 A No. 25 Q Did he call you -- do you recall him calling</p>	<p>1 A No. 2 Q Or anything like that? 3 A No, ma'am. 4 Q Do you think -- have you known Tommy Whited 5 to carry a gun? 6 A No. 7 Q Do you think he's capable of harming anyone? 8 MS. DOHNER SMITH: Objection. 9 THE WITNESS: No, ma'am. 10 BY MS. COLLINS: 11 Q After he was terminated, was security 12 brought in at the plant for a while? 13 A Yes, ma'am. 14 Q What was that about? 15 A Well, we couldn't figure out why, but -- 16 because, you know, I thought I knew Tommy as well. 17 But they were there -- that's the protocol for 18 getting rid of a GM, I guess. 19 Q Had he made any threats that you heard about 20 or knew about? 21 A No, ma'am. 22 Q Do you know who made the initial complaint 23 against him before he got fired? 24 A No, ma'am. 25 Q Do you know a guy named Mr. Buckmaster?</p>
Page 31	Page 33
<p>1 you and asking you what's going on? 2 A No. I don't think he knew until... 3 Q Why do you think that? 4 A Because if he had knew something was going 5 on, I think he would have called. 6 Q Do you recall telling the investigators that 7 you were afraid to ask for vacation for yourself or 8 others from Tommy Whited? 9 A I don't recall telling them that I was 10 afraid to ask for a vacation, no. 11 Q Were you worried about taking vacation when 12 Tommy Whited was your general manager? 13 A Wasn't worried about it. A whole lot of it 14 was my own fault for not putting in my vacation and 15 taking it. 16 Q Okay. Did it seem like a lot of employees 17 were kind of scared of Tommy Whited? 18 A I don't want to say scared. I want to 19 say -- I'm trying to think of a word. They 20 respected him in a way that, you know, that they 21 didn't probably want to go to him about anything. I 22 mean, you know, maybe it was afraid. 23 Q Do you recall him telling people that if 24 anybody reported anything, that he would know about 25 it?</p>	<p>1 A Yes. 2 Q What's his first name again? 3 A Ken, Kenneth. 4 Q Are you still in touch with him? 5 A No. I see him occasionally at the store. 6 He lives in the same town I do. 7 Q Why did he leave WestRock? 8 A He just said that -- he came in that morning 9 and told me that he was going to be leaving. 10 Q Did he say anything about the way Tommy 11 Whited had treated him? 12 A No. He just said he was tired of having to 13 get called back in to work and working on the 14 weekends and at night. He was getting called back 15 in to work. 16 Q Was he getting paid overtime for working 17 weekends and nights? 18 A Yes, ma'am. Get paid four hours if he comes 19 in, if he gets called in anytime. If it takes him 20 15 minutes, he still gets four hours. 21 Q Do you recall Tommy Whited saying anything 22 about hotline complaints would come to him if anyone 23 made one? 24 A No, ma'am. 25 Q Or anything like that?</p>

<p style="text-align: right;">Page 34</p> <p>1 A Huh-uh. No, ma'am.</p> <p>2 Q Did he say that supervisors reported to him,</p> <p>3 Tommy Whited?</p> <p>4 A Yeah. Everybody reported to Tommy.</p> <p>5 Q Even you?</p> <p>6 A Yes.</p> <p>7 Q Did y'all give training to the employees on</p> <p>8 the Global Compliance hotline?</p> <p>9 A I don't recall training. I know that</p> <p>10 everybody was told where the numbers were posted and</p> <p>11 all that.</p> <p>12 Q Where were the numbers posted?</p> <p>13 A On a -- like it's a bulletin board.</p> <p>14 Q At the fulfillment center?</p> <p>15 A Yes. Both.</p> <p>16 Q Have they always been there?</p> <p>17 A Yes, ma'am.</p> <p>18 Q Other than posting it on the bulletin board,</p> <p>19 was there any sort of regular training about sexual</p> <p>20 harassment or how to report sexual harassment?</p> <p>21 A For?</p> <p>22 Q For the employees, not management.</p> <p>23 A I think during some of our safety meetings</p> <p>24 we tried to cover some of that, yes.</p> <p>25 Q Okay. Is that documented anywhere that you</p>	<p style="text-align: right;">Page 36</p> <p>1 Q But you didn't call HR when Michael</p> <p>2 Kulakowski told you about Tommy Whited hitting him</p> <p>3 and kicking him, right?</p> <p>4 A Right. Yes. I'll go back and say again,</p> <p>5 it's because they joked and cut up all the time and</p> <p>6 it never was serious. If I ever thought it was</p> <p>7 serious, I would have.</p> <p>8 Q But you didn't see the incidents happen,</p> <p>9 right?</p> <p>10 A Huh-uh.</p> <p>11 Q All you know is that Michael Kulakowski came</p> <p>12 and told you about it after the fact?</p> <p>13 A Yeah. I seen the time that I was telling</p> <p>14 you a while ago.</p> <p>15 Q And you'd agree that's probably a pretty</p> <p>16 hard thing to do, right?</p> <p>17 A I agree.</p> <p>18 Q Have you ever seen a Global Compliance</p> <p>19 hotline report?</p> <p>20 A I can't remember if I have or not.</p> <p>21 Q Do you know who typically gets those?</p> <p>22 A No, ma'am.</p> <p>23 Q When Michael Kulakowski told you that he had</p> <p>24 been hit and kicked in the groin, did you tell him</p> <p>25 to call the Global Compliance hotline?</p>
<p style="text-align: right;">Page 35</p> <p>1 know of?</p> <p>2 A Should be, but I'm not sure.</p> <p>3 Q Okay. Is there a safety manager?</p> <p>4 A Yes. We've had several.</p> <p>5 Q Who was the safety manager in 2016?</p> <p>6 A Lana Potts.</p> <p>7 Q Did she quit?</p> <p>8 A Yes.</p> <p>9 Q Okay. Have you seen her since she quit?</p> <p>10 A No, ma'am.</p> <p>11 Q Now, if an employee had a problem at work</p> <p>12 when you were the plant manager, it was okay,</p> <p>13 pursuant to policy, for them to report that problem</p> <p>14 to you, right?</p> <p>15 A Yes.</p> <p>16 Q And if an employee reported a problem to</p> <p>17 you, what were you then supposed to do?</p> <p>18 A Get ahold of -- unless -- I would get ahold</p> <p>19 of my general manager, is who I reported to.</p> <p>20 Q And that was Tommy Whited?</p> <p>21 A Yes.</p> <p>22 Q And if Tommy Whited was the problem, what</p> <p>23 did you do?</p> <p>24 A Obviously, if it was something serious, I</p> <p>25 would call HR.</p>	<p style="text-align: right;">Page 37</p> <p>1 A I did not.</p> <p>2 Q Did you have any communication with any EEOC</p> <p>3 investigators?</p> <p>4 A With who, ma'am?</p> <p>5 Q Any EEOC investigators. Not WestRock</p> <p>6 employees, but outside employees -- outside people,</p> <p>7 federal investigators?</p> <p>8 A Mary.</p> <p>9 MS. DOHNER SMITH: I'm not a federal</p> <p>10 investigator.</p> <p>11 BY MS. COLLINS:</p> <p>12 Q If you don't remember it, then that's fine.</p> <p>13 A No. No, ma'am.</p> <p>14 Q Do you know if anyone else has made claims</p> <p>15 or complaints against Tommy Whited?</p> <p>16 A Not that I'm aware of.</p> <p>17 Q Have you heard of anybody else making</p> <p>18 complaints against him?</p> <p>19 A No, ma'am.</p> <p>20 Q Did any other employees tell you that he had</p> <p>21 hit them or kicked them in the groin?</p> <p>22 A None that I can recall.</p> <p>23 Q You don't owe Tommy Whited any money, do</p> <p>24 you?</p> <p>25 A No.</p>

<p style="text-align: right;">Page 38</p> <p>1 Q Do you recall cutting back on Michael 2 Kulakowski's overtime? 3 A Yes, I have. 4 Q Okay. Tell me about that. 5 A Well, I mean, you know, we was low on work, 6 so I told him let's all keep it at 40 hours a week. 7 Q Do you recall when that was? 8 A No, ma'am. 9 Q Was it after Tommy Whited was terminated? 10 A I don't think I have since then, no. 11 Q Do you recall Michael Kulakowski coming and 12 talking to you about wanting to go back to work 13 overtime? 14 A He's asked me about working -- coming in 15 early. 16 Q What do you recall about that? 17 A Well, I mean, he's asked me, he said, you 18 know, he needs the extra time, could he come in. 19 Q Okay. Do you recall when that was? 20 A Seems like it's just been within the last 21 six or eight months or something. 22 Q Was that when you were still plant manager? 23 A Yes. 24 Q Do you recall Jerry Harville complaining to 25 you about Mr. Whited hitting him or kicking him?</p>	<p style="text-align: right;">Page 40</p> <p>1 A No. 2 Q What did you do to prepare for your 3 deposition today? 4 A I talked to Mary. 5 Q Okay. Did you look at any documents? 6 A Do what, ma'am? 7 Q Did you look at any documents? 8 A Yes. 9 Q Okay. Do you recall what documents you 10 looked at? 11 MS. DOHNER SMITH: I'm going to object, 12 because the documents that I show him are my mental 13 impression of what I think may come up or be 14 important during the deposition. So if you want to 15 ask about documents outside of my conversation, 16 that's fine. 17 BY MS. COLLINS: 18 Q What documents did you look at to prepare 19 for your deposition today? 20 MS. DOHNER SMITH: And I'm going to 21 instruct you not to answer if it was something that 22 I showed you during our prep session. Anything else 23 you looked at on your own is fine to answer. 24 THE WITNESS: One of the things was the 25 handbook.</p>
<p style="text-align: right;">Page 39</p> <p>1 A No, ma'am. 2 Q Are you responsible for any hiring? 3 A At the present time? 4 Q When you were plant manager. 5 A Responsible for trying to keep the people in 6 there to -- to have the right pool of people, I was 7 responsible. 8 Q What about actually hiring them? 9 A Not without Tommy's approval. 10 Q Do you know if y'all have hired people out 11 there with felonies? 12 A Not that I'm aware of. 13 Q Do you know if WestRock has a policy for or 14 against that? 15 A They were against that. 16 Q What do you mean by were? 17 A Well, I assume they still are. 18 Q Oh, okay. You just don't know for sure? 19 A Right. 20 Q Have you ever seen a written policy about 21 that? 22 A I can't recall. 23 Q Okay. Have you ever heard of an employee 24 being fired because of a felony or because y'all 25 found out they had a felony?</p>	<p style="text-align: right;">Page 41</p> <p>1 BY MS. COLLINS: 2 Q Okay. Anything else? 3 A Other than directions how to get here. 4 Q Okay. Do you recall telling Mr. Kulakowski 5 that he needed to talk to Helen Kendall and that she 6 was HR? 7 A I can't recall it. I'm not sure. 8 Q So you just don't know if you directly would 9 have told Michael Kulakowski that Helen Kendall was 10 HR, right? 11 MS. DOHNER SMITH: Objection. 12 THE WITNESS: I may have told him that, 13 I don't know. Like I said, she got some HR numbers 14 and that kind of stuff together and since we didn't 15 see any HR, I thought maybe she might be -- put him 16 in touch with HR. 17 BY MS. COLLINS: 18 Q Okay. How long have you known about the 19 compliance hotline for WestRock? 20 A Oh, Lord. Probably 15 years or so, I guess. 21 Q Have you ever used it? 22 A No, ma'am. 23 Q I think I asked you that already. 24 Were you responsible for handing out updated 25 employee handbooks to the employees?</p>

<p style="text-align: right;">Page 42</p> <p>1 A No.</p> <p>2 Q Who would have been responsible for that?</p> <p>3 A That should be an HR function, I would</p> <p>4 think.</p> <p>5 Q But do you know who would have done that?</p> <p>6 A No.</p> <p>7 Q Do you have any knowledge about that?</p> <p>8 A About who would hand them out?</p> <p>9 Q Yes.</p> <p>10 A No, ma'am.</p> <p>11 Q When you got an updated employee handbook,</p> <p>12 did you just sign an acknowledgment form saying you</p> <p>13 received it? Or how did that go down?</p> <p>14 A Yes.</p> <p>15 Q But would you have to go through it at the</p> <p>16 time and look at it and then sign the form or would</p> <p>17 you just sign the form and go on your way?</p> <p>18 A You would have time to go through it and</p> <p>19 then sign it and take the signed copy back.</p> <p>20 Q Was that the same with the floor employees?</p> <p>21 A The what?</p> <p>22 Q The employees on the manufacturing floor,</p> <p>23 not management employees.</p> <p>24 A Yes.</p> <p>25 Q Did you -- as management, did management</p>	<p style="text-align: right;">Page 44</p> <p>1 Q Do you recall Mr. Kulakowski telling you</p> <p>2 that he was sick of the way he was being treated by</p> <p>3 Mr. Whited?</p> <p>4 A Yes.</p> <p>5 Q What do you recall about that?</p> <p>6 A Well, I mean, just made the statement that</p> <p>7 you just made.</p> <p>8 Q He was sick of the way he was being treated?</p> <p>9 A Yes.</p> <p>10 Q By Mr. Whited?</p> <p>11 A Yes.</p> <p>12 Q And what did you say to him?</p> <p>13 A I didn't -- I don't recall what my reply</p> <p>14 was.</p> <p>15 Q Did you report that to HR?</p> <p>16 A No. Seemed like it was one of those times</p> <p>17 that Tommy had gotten on to him about the shape that</p> <p>18 the warehouse was in or something of that nature.</p> <p>19 Q Do you recall Mr. Whited making comments to</p> <p>20 Mr. Kulakowski that he was a stupid Polak or</p> <p>21 anything like that?</p> <p>22 A I recall hearing that. I'm not sure that</p> <p>23 Tommy said it. I can't remember who said it, but I</p> <p>24 remember -- when you said Polak, I remember that.</p> <p>25 But I don't recall who said it.</p>
<p style="text-align: right;">Page 43</p> <p>1 receive any annual HR -- I mean, annual harassment</p> <p>2 training?</p> <p>3 A Yes.</p> <p>4 Q Tell me about that.</p> <p>5 A It was just done by computer.</p> <p>6 Q Okay. So you would do like a computer test?</p> <p>7 A Yes, ma'am.</p> <p>8 Q Okay. Do you recall Michael Kulakowski</p> <p>9 telling you that he wanted Tommy Whited to quit</p> <p>10 messing with him, quit hitting him and kicking him?</p> <p>11 A No, ma'am.</p> <p>12 Q Or anything like that?</p> <p>13 A No, ma'am.</p> <p>14 Q You just don't recall it or you know --</p> <p>15 (Overlapping speech.)</p> <p>16 A I don't recall.</p> <p>17 Q Okay. And do you recall anything about you</p> <p>18 saying, as long as you work here, he's going to do</p> <p>19 things to you?</p> <p>20 A No.</p> <p>21 Q You just don't recall it or it didn't</p> <p>22 happen?</p> <p>23 A I didn't say it.</p> <p>24 Q Or anything like that?</p> <p>25 A No, ma'am.</p>	<p style="text-align: right;">Page 45</p> <p>1 Q Do you recall Mr. Kulakowski complaining to</p> <p>2 you about Tommy Whited drop kicking him?</p> <p>3 A Yes. That one time. When you say drop</p> <p>4 kicking, I assume hitting him in the groin with his</p> <p>5 foot.</p> <p>6 Q Did Mr. Kulakowski tell you about Tommy</p> <p>7 Whited -- or Tommy Whited pulling a pistol out after</p> <p>8 he was terminated and showing it to him?</p> <p>9 A No, ma'am.</p> <p>10 Q You just don't recall anything about that?</p> <p>11 A No, I don't know -- no, he didn't tell me.</p> <p>12 Q Were you disciplined for not reporting Tommy</p> <p>13 Whited's behavior toward Mr. Kulakowski?</p> <p>14 A No.</p> <p>15 Q Are there any cameras in the workplace at</p> <p>16 the fulfillment center?</p> <p>17 A There used to be, yes.</p> <p>18 Q When did they get rid of them?</p> <p>19 A I think they're still there.</p> <p>20 Q Do y'all record stuff?</p> <p>21 A I think they record so long and then they go</p> <p>22 over and over again.</p> <p>23 Q Oh, okay. They record over it?</p> <p>24 A Yeah.</p> <p>25 Q Okay.</p>

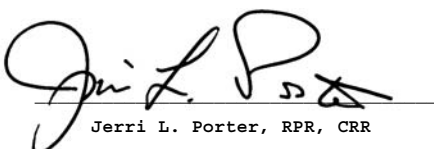
<p style="text-align: right;">Page 46</p> <p>1 MS. COLLINS: Let's go off the record 2 for a second. 3 (Recess observed.) 4 BY MS. COLLINS: 5 Q Mr. Eden, do you remember Jerry Harville 6 telling you that his next step would be to go out 7 the door because Mr. Whited was a bully and he's 8 intimidating to people? 9 A Did you say being a bully? 10 Q He's a bully. He bullies people and he's 11 intimidating people. 12 A I don't recall that, no. 13 Q Or anything like that? 14 A You know, they've come to me complaining 15 because he'd gotten on to them, and then he -- but 16 that was it. 17 Q Okay. Do you remember an employee named 18 Yohanna (phonetic) or Johanna? 19 A Johanna. 20 Q Johanna? 21 A Yes, ma'am. 22 Q Okay. What was her job? 23 A She was a customer service. 24 Q Did she quit? 25 A She turned in her time, yes.</p>	<p style="text-align: right;">Page 48</p> <p>1 Conduct and Ethics policy is "threatening another 2 individual with bodily harm or assaulting another 3 individual at any time while on company property 4 during working hours or while engaged in company 5 business." 6 Would hitting another employee in the groin 7 violate that part of the policy? 8 MS. DOHNER SMITH: Objection. 9 THE WITNESS: If they were meaningful 10 with it, I would say yes. 11 BY MS. COLLINS: 12 Q Okay. Would kicking another employee in the 13 groin violate that part of the policy? 14 MS. DOHNER SMITH: Objection. 15 THE WITNESS: Like I said, if they 16 weren't joking and kidding, yes. 17 BY MS. COLLINS: 18 Q Okay. And a little bit, about five down 19 from there, it says "fighting, horseplay, practical 20 jokes or pranks while at the work site or engaged in 21 company business" violate this Code of Business 22 Conduct and Ethics? 23 A Yes. 24 Q Would those two things, hitting another 25 employee or kicking another employee in the groin</p>
<p style="text-align: right;">Page 47</p> <p>1 Q What do you mean, turned in her time? She 2 quit? 3 A Yes. 4 Q Was she an employee of WestRock? 5 A Yes. 6 Q Did she ever complain about you -- to you 7 about Mr. Whited? 8 A No. 9 Q Before Mr. Whited was terminated, would it 10 be fair to say that you were stressed and 11 overworked? 12 A Yes. It would be fair to say, yes. 13 Q Do you feel like Mr. Whited wanted to make 14 the employees feel bad sometimes? 15 A Yes. 16 Q If you could turn to -- in this book here, 17 there's an Exhibit Number 4. 18 (Presented Exhibit No. 4.) 19 BY MS. COLLINS: 20 Q If you could turn to Page 8. And this is -- 21 have you seen this policy before? 22 A (Reviewing document.) 23 Seems like I have, yes. 24 Q Now, I guess about midway down, one of the 25 infractions listed under this Code of Business</p>	<p style="text-align: right;">Page 49</p> <p>1 constitute fighting, horseplay, practical jokes or 2 pranks while at the work site? 3 A Yes. 4 Q Now if you could turn to Page 11. And down 5 at the bottom of the page, it's got -- it has a 6 header that says, "Employees who believe they have 7 been harassed must take the following immediate 8 action." And the third one says, "If an employee 9 makes a complaint regarding harassment to a 10 supervisor or manager, then the supervisor or 11 manager is required to notify his or her divisional 12 HR Director, along with his or her local human 13 resources representative or senior management, if 14 applicable." 15 Now, did you do that with respect to 16 anything that Michael Kulakowski told you about 17 Tommy Whited hitting him and slapping him and 18 kicking him? 19 A No. Because I didn't think what he was 20 telling me was a complaint. 21 Q Okay. If you could turn to the next page on 22 Page 12. And down at the bottom half of the page in 23 the Anti-violence section, in the third paragraph it 24 states, "If an employee is threatened, witnesses or 25 overhears a threat of bodily harm, he/she must</p>

<p style="text-align: right;">Page 50</p> <p>1 report it directly to a supervisor or manager."</p> <p>2 When Mr. Kulakowski came and told you about</p> <p>3 being hit and kicked, did you report it to anyone</p> <p>4 else?</p> <p>5 A No. Because, again, I didn't think he was</p> <p>6 meaningful.</p> <p>7 Q And that was even though you knew that it</p> <p>8 was difficult for Mr. Kulakowski to tell you about</p> <p>9 that, right?</p> <p>10 A Could you repeat that?</p> <p>11 Q And that was even though -- I think you</p> <p>12 testified earlier that it was probably difficult for</p> <p>13 Mr. Kulakowski to tell you about those things,</p> <p>14 right?</p> <p>15 A Yes.</p> <p>16 Q And even though you didn't actually witness</p> <p>17 it to see if it was a joke, right?</p> <p>18 A Right.</p> <p>19 Q Okay.</p> <p>20 MS. COLLINS: All right. I believe</p> <p>21 that's all I have.</p> <p>22 MS. DOHNER SMITH: I may have a couple.</p> <p>23 E X A M I N A T I O N</p> <p>24 BY MS. DOHNER SMITH:</p> <p>25 Q Mr. Eden, earlier when you were talking</p>	<p style="text-align: right;">Page 52</p> <p>1 when there's overtime work that's needed, correct?</p> <p>2 A Yes.</p> <p>3 Q Okay. Was Mr. Kulakowski the only person</p> <p>4 that was told to cut back on his overtime?</p> <p>5 A No.</p> <p>6 Q So, other employees were told they had to</p> <p>7 limit their overtime as well?</p> <p>8 A Yes.</p> <p>9 Q Earlier you were asked if you recall whether</p> <p>10 or not Mr. Kulakowski told you he wanted -- I can't</p> <p>11 read my own writing -- whether or not Mr. Kulakowski</p> <p>12 told you he wanted Tommy to quit hitting him. Did</p> <p>13 that -- and you said you didn't recall that event.</p> <p>14 Do you remember that didn't happen or you can't</p> <p>15 recall if it happened?</p> <p>16 A Just don't recall it.</p> <p>17 Q Okay. So you don't recall any conversation</p> <p>18 like that whatsoever?</p> <p>19 A No.</p> <p>20 Q Okay. You indicated you recalled</p> <p>21 Mr. Kulakowski coming to you and making a statement</p> <p>22 he was sick of the way he was being treated by Tommy</p> <p>23 Whited. Was that in relation to Tommy getting on</p> <p>24 him about something in the warehouse or was that in</p> <p>25 relation to kicking and hitting?</p>
<p style="text-align: right;">Page 51</p> <p>1 about Mr. Whited hitting Mr. Kulakowski in the</p> <p>2 groin, you had made a gesture with your hand. The</p> <p>3 court reporter can't get down on the record what</p> <p>4 your gesture looked like. Could you explain in</p> <p>5 verbal words what the hand gesture you were making</p> <p>6 was?</p> <p>7 A He stood beside him, and then put his hands</p> <p>8 down to his side, and just flipped his hand back.</p> <p>9 Q So, it wasn't like he was -- had a fist and</p> <p>10 was punching him with force in the groin?</p> <p>11 A No. It was just a flip back.</p> <p>12 Q More like a tap or little slap?</p> <p>13 A Yes.</p> <p>14 Q Okay. Nothing with a lot of force?</p> <p>15 A Correct.</p> <p>16 Q I think you testified that you saw that</p> <p>17 happen one time in the last couple of years. Was</p> <p>18 Mr. Kulakowski laughing at the time?</p> <p>19 A Yeah. They both were.</p> <p>20 Q Okay. So there wasn't anything out of that</p> <p>21 situation that made you think that Mr. Kulakowski</p> <p>22 was hurt or in distress in any way?</p> <p>23 A No.</p> <p>24 Q Okay. When it comes to working overtime at</p> <p>25 the company, you only have employees work overtime</p>	<p style="text-align: right;">Page 53</p> <p>1 MS. COLLINS: Objection to form.</p> <p>2 THE WITNESS: Well, it was at the time</p> <p>3 he had gotten on to him about something. That's</p> <p>4 usually when I hear complaints, after he gets on to</p> <p>5 him.</p> <p>6 BY MS. DOHNER SMITH:</p> <p>7 Q What do you mean, gets on to him?</p> <p>8 A Gets on to him because the warehouse is in a</p> <p>9 mess.</p> <p>10 Q So like demanding that they do a better job</p> <p>11 or --</p> <p>12 A Yes. He wants them, yes, to keep the</p> <p>13 warehouse clean and neat.</p> <p>14 Q Okay. Did Mr. Kulakowski ever tell you that</p> <p>15 he believed he was being harassed, sexually harassed</p> <p>16 by Mr. Whited?</p> <p>17 A No.</p> <p>18 Q Did Mr. Kulakowski ever tell you that he</p> <p>19 wanted you to make a report on his behalf?</p> <p>20 A No.</p> <p>21 MS. DOHNER SMITH: I think that's it.</p> <p>22 E X A M I N A T I O N</p> <p>23 BY MS. COLLINS:</p> <p>24 Q You were asked a question about -- and I</p> <p>25 think it was characterized as a tap or a slap when</p>

Page 54

1 Mr. Kulakowski was hit in the groin. You actually
2 witnessed that, correct?
3 A Yes.
4 Q And even a tap or a slap in a male groin
5 hurts, right?
6 A Yes, it could.
7 Q Are you glad Mr. Whited is no longer working
8 there?
9 A Yes.
10 Q Do you think it's appropriate to tap or slap
11 another man in the groin in the workplace?
12 A No.
13 MS. COLLINS: That's all I have.
14 FURTHER DEPONENT SAITH NOT.
15 (Proceedings concluded at 2:30 p.m.)
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Page 55

1 REPORTER'S CERTIFICATE
2
3 I, Jerri L. Porter, RPR, CRR, Notary
4 Public and Court Reporter, do hereby certify that I
5 recorded to the best of my skill and ability by
6 machine shorthand all the proceedings in the
7 foregoing transcript, and that said transcript is a
8 true, accurate, and complete transcript to the best
9 of my ability.
10 I further certify that I am not an
11 attorney or counsel of any of the parties, nor a
12 relative or employee of any attorney or counsel
13 connected with the action, nor financially
14 interested in the action.
15 SIGNED this 21st day of November, 2017.
16
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20
21 
22 Jerri L. Porter, RPR, CRR
23 My Notary commission expires: 2/19/2018
24 Tennessee LCR No. 335
25 Expires: 6/30/2018

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1 E R R A T A
2
3 I, LARRY LLOYD EDEN, having read the
4 foregoing deposition, Pages 1 through 54, taken
5 November 9, 2017, do hereby certify said
6 testimony is a true and accurate transcript,
7 with the following changes, if any:
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18
19 LARRY LLOYD EDEN
20
21
22
23 Notary Public
24 My commission expires: _____
25